

REMARKS

Claims 3, 18, 20, 21, 23, 24, 36-40, and 43-62 were pending.

Information Disclosure Statement

An Information Disclosure Statement is filed herewith to provide corrected English translations of certain references. A statement of the translator explaining the nature of the corrections accompanies the Information Disclosure Statement. Specifically, the German sentence “Bei harten Kontaktlinsen zur Nachbenetzung während des Tragens” was incorrectly translated as “On hard contact lenses, for added moistening while these are worn.” The correct translation is “With hard contact lenses, for added moistening while these are worn.”

Comments in Response to Advisory Action

In the Advisory Action mailed June 18, 2007, the Examiner wrote: “The [Siccaprotect eye drop references teach] the use of dexpanthenol for contact lenses. Whether the drops are used when the contact lens is in the eye or not does not differentiate the instant claims from the teachings of the reference.”

Applicant asks the Examiner to reconsider this position, because (1) an unintentional error in the translation of the Siccaprotect eye drop references might have led the Examiner to make the rejection, and (2) the rejected claims recite features that distinguish the cited references.

As noted above and in the accompanying Information Disclosure Statement, the cited references are properly translated to read “with hard contact lenses...,” not “on hard contact lenses.” Siccaprotect eye drops are applied to one’s eyes and may be done so while hard contact lenses are being worn. The drops are not applied on the lenses; rather, as explained in section 10 of reference D1, the drops are applied in the conjunctival sac of the eye (i.e., the space between the eyelids and the eyeball).

Moreover, each claim recites a limitation that distinguishes from the mere application of a dexpanthenol-containing solution to an eye. For example:

- Claim 3 requires impregnating a contact lens with a dexpanthenol-containing solution while the contact lens is not contacting an eye (because Siccprotect eye drops are intended to be applied to the eyes, there is no reason-- and no disclosure-- to apply them to contact lenses not contacting an eye);
- Claim 18 requires a kit having one or more contact lenses and a dexpanthenol-containing solution (the references do not disclose that Siccprotect eye drops are supplied with contact lenses);
- Claim 44 requires placing a contact lens into a solution including dexpanthenol (which is distinct from merely adding eye drops to an eye that already contains a contact lens);
- Claim 45 is a method of cleaning a contact lens that requires rinsing a contact lens with a solution including dexpanthenol (Siccprotect eye drops do not effectively clean or rinse a contact lens while that lens sits in contact with an eye and is bathed in lacrimal fluid); and
- Claims 46, 53, 60, and 61 each require that the lens be a soft contact lens (section 5 of reference D1 notes that use of Siccprotect eye drops is contraindicated with soft contact lenses); claims 37 and 43 similarly require that the lens be a day lens.

For these reasons, Applicant asks the Examiner to reconsider and withdraw the outstanding rejection.

Respectfully submitted,
FOLEY HOAG LLP

/SCOTT E. KAMHOLZ/

Scott E. Kamholz
Reg. No. 48,543
Attorney for Applicants

Date: October 1, 2007
Customer No: 25181
Patent Group
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210-2600